GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Department – Action Taken Report on the recommendations of the Open House Discussion organised by the Hon'ble National Human Rights Commission, New Delhi on 07-12-2018 –Charter of Prisoners Rights prepared by the Director General of Prisons and Correctional Services, Andhra Pradesh- Accorded – Orders – Issued.

HOME (PAROLES & HRC) DEPARTMENT

G.O.MS.No. 76 **Dated: 13-07-2020.**

Read the following:-

Ref:-1. From the Joint Secretary (P&A), National Human Rights Commission New Delhi, D.O.No.4/6/2019-PRP&P, dt.02-04-2019.
2. Government Memo No. 11433/Paroles & HRC/2019, dated 01-05-2019.
3. From the Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada, Letters No. Jud-2/45/2019-1, dated 17-05-2019 addressed to the Joint Secretary (P&A), National Human Rights Commission, New Delhi, under copy to Government.
4. From the Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada, Letters No.Jud-2/45/2019-2, dated 17-05-2019.

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O R D E R:

In the reference 1st read above, the Hon'ble National Human Rights Commission, New Delhi, has informed that the Commission has organised a Secretary Level Meeting of the Nation Human Rights Commission & State Human Rights Commissions at India International Centre (IIC), New Delhi on 07-12-2018. The objective of the meeting was to share the best practices and explore how Nation Human Rights Commission & State Human Rights Commissions could collaborate to fill in the gaps in the system for the cause of promotion and protection of human rights.

2. The Hon'ble Commission has requested the Government of Andhra Pradesh to furnish the action taken report on the following recommendations of Hon'ble Nation Human Rights Commission to place the matter before the Hon'ble Commission:-

- The Charter of Prisoners Rights should be formulated by the State Governments and the prison authorities must take the responsibility of educating the prisoners about their rights.
- The State Governments should take an initiative to provide adequate infrastructure and financial resources at Police Stations as lack of resources leads to violations of human rights of the people in custody.
- The State Government should take into consideration that the prisoners in mental Asylum who have been declared unfit for trial are provided the benefits under Section 84 of the IPC.

(P.T.O)

- The State Government must ensure that legal aid be provided to all undertrial prisoners/ accused/ convicts through empanelled lawyers of the State Legal Services Authority/ District Legal Services Authority to ensure fair trial/ appeal before the court of law.

3. In the reference 2nd read above, the Director General of Prisons and Correctional Services, Andhra Pradesh was requested to send action taken report on the recommendations emanated from the Secretary Level Meeting of the Nation Human Rights Commission & State Human Rights Commissions held on 07-12-2018.

4. In the reference 3rd read above, the Director General of Prisons and Correctional Services, Andhra Pradesh has stated that the action taken report on the recommendations of the Open House Discussion organised by the Hon'ble National Human Rights Commission, has been forwarded to the Hon'ble Nation Human Rights Commission.

5. In the reference 4th read above, the Director General of Prisons and Correctional Services, Andhra Pradesh has stated that one of the recommendations of the Open House Discussion organised by the Hon'ble National Human Rights Commission, New Delhi on 07-12-2018, is as under:-

> *"The Charter of Prisoners Rights should be formulated by the State Governments and the prison authorities must take the responsibility of educating the prisoners about their rights."*

6. The Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada while furnishing the draft Charter on Prisoners Rights which was prepared by them, requested the Government to approve the same so as to enable them to educate the Prisoners of all Jails about their Rights.

7. Government, after careful examination, hereby accord to Charter on Prisoners Rights which was prepared by the Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada, enclosed to the G.O. in the ***Annexure***.

8. The Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada, shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Prisons and Correctional Services, Andhra Pradesh
Vijayawada.
The Joint Secretary (P&A), National Human Rights Commission,
Manav Adhikar Bhavan, Block 'C', GPO Complex, INA, New Delhi.

Copy to:
The Law Department.
General Administration (SC-II) Department.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE TO G.O.MS.NO.76, HOME(PAROLES & HRC) DEPARTMENT, DATED:

CHARTER ON PRISONER'S RIGHTS

1. **Right to fundamental rights**:- Every prisoner shall retain all rights enjoyed by the free citizen except those lost necessarily as an incident of confinement. Moreover, the rights enjoyed by prisoners, under Articles 14,19 and 21 of the Constitution of India, though limited, are not static and will rise to human rights when challenging situations arises.
2. **Right to *life* and personal liberty**:- Every prisoner has the right to ***life,*** liberty and security of person right to live is not restricted to mere existence. It means something more than just physical survival.
3. **Right to live with human dignity**:- All human beings are born free and equal in dignity and rights. Right to live does not mean mere confinement to physical existence, but it includes within its ambit the right to live with human dignity. The word life includes the necessaries of the life such as adequate nutrition, clothing and shelter over the head and facilities for reading, writing expressing oneself in diverse forms, freely moving about mixing and commingling with fellow human beings, unless restricted by any order of the Court/Competent authority.
4. **Right to health and medical treatment**:- Right to health care as an essential ingredient under Article 21 of the Constitution. The right to medical treatment is the basic human right.
5. **Right to speedy trial**:- Right to speedy trial is a part of the fundamental right envisaged under Article 21 of the Constitution. Right to speedy trial flowing from Article 21 is available to the accused of an offence. Access to court and legal facilities is essential for giving a free and fair trial to inmates, which is mandate of Article 21 of the Constitution.
6. **Right to free legal aid**:- A free legal assistance at State cost is a fundamental right of a person accused of an offence. Access to court and legal facilities is essential for giving a free and fair trial to inmates, which is mandate of Article 21 of Constitution, (***unless restricted by the order of Courts / competent authority)***
7. **Protection against instruments of restraint** :- Instruments of restrain, such as handcuffs, chains, irons and strait-jacket, shall never be applied as a punishment. Furthermore, chains, or irons shall not be used as restraints except in the specified circumstances as per the discretion of the Superintendent.
8. **Protection of custodial torture and mal-treatment**:- Save otherwise provided in the order of the Court, every prisoner shall be protected against torture and maltreatment. The attitude shall be changed towards prisoners and protect their human rights for the sake of humanity. No one shall be subjected to torture or to cruelty, in human or degrading treatment or punishment.
9. **Right to be released on due date**:- Every prisoner shall be released from the prison on the completion of their sentence.
10. **Right to education**:- Every prisoner has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of the human personality and to strengthening of respect for the human rights and fundamental freedoms. It shall promote the moral values, tolerance, self discipline and honest among inmates.

P.T.O.

11. **Right to reasonable wages for work**:- Every prisoner shall have a right to get meaningful employment and reasonable wages. No prisoner can be asked to do labour without wages. Under-trial prisoners volunteering to do work may be given suitable work and wages shall be paid to them.

12. **Right to interaction with society**:- Every prisoner shall have a "right to socialize" with the members of family and friends, subject to any valid prison regulations. Every prisoner has a right to meet his family members, friends and legal advisers or communicate through telephones and letters subject to surveillance by the authorities.

KUMAR VISHWAJEET
PRINCIPAL SECRETARY TO GOVERNMENT